

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

Charles Henry Elsner

CRIMINAL COMPLAINT

CASE NUMBER: 23-4300 MJ CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Coconino in the District of Arizona, the defendant committed the crime of Felon in Possession of Firearms and Ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8), an offense described as follows:

See Attachment A – Description of Count

I further state that I am a Law Enforcement Officer (LEO) for the United States Forest Service (USFS) and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

AUTHORIZED BY: Marcus Shand, AUSA *MS*

Douglas Pederson, USFS Special Agent

Name of Complainant

DOUGLAS PEDERSON

Digitally signed by DOUGLAS
PEDERSON
Date: 2023.11.07 21:54:54 -07'00'

Signature of Complainant

Sworn to telephonically before me

November 8, 2023

Date

at

Flagstaff, Arizona

City and State

HONORABLE CAMILLE D. BIBLES

United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A
DESCRIPTION OF COUNT
COUNT 1

Felon in Possession of Firearms and Ammunition

On or about October 23, 2023, in the District of Arizona, Defendant CHARLES HENRY ELSNER, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed firearms and ammunition, in and affecting interstate or foreign commerce, to wit:

- Eight (8) Rounds of Blazer .45 ACP Caliber Ammunition; and
- Eight (8) Rounds of X-Treme .45 ACP Caliber Ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

ATTACHMENT B

STATEMENT OF PROBABLE CAUSE

I, Douglas Pederson, a Special Agent for the United States Forest Service being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant, Douglas A Pederson, states that he is a Special Agent with the United States Forest Service (USFS) and as such is vested with the authority to investigate violations of federal law, including violations of felons in possession of firearms and ammunition. Your affiant is currently assigned to the Coconino National Forest of the USFS. Your affiant has been a Law Enforcement Officer since 2012. Your affiant has received a Bachelor of Arts Degree in Liberal Studies from Northern Arizona University. Your affiant is a graduate of the Land Management Police Training Program as well as the Criminal Investigation Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia.
2. The information contained in this affidavit is based upon your affiant's personal knowledge, training, experience, as well as information provided by other law enforcement officers and witnesses including those listed herein. Because this affidavit is being submitted for the limited purposes of providing probable cause, your affiant has not included all the facts known concerning this investigation. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other agents involved in the investigation, and information obtained from witnesses.
3. Based on the below facts, your Affiant submits there is probable cause that CHARLES HENRY ELSNER committed the crime of Felon in Possession of Firearms and Ammunition, in violation of Title 18, United States Code (U.S.C.) §§ 922(g)(1) and 924(a)(8).

BACKGROUND

4. On October 23, 2023 at approximately 9:27 p.m., Forest Service Law Enforcement Officers were checking on campsite within the Coconino National Forest near Forest Service Road 229. Officers had received a report that an occupant of the campsite was recently arrested, and a dog may have been left behind.

5. Officer arrived in the area of the campsite and observed that the campsite appeared to be occupied. From approximately 60 yards away Officers observed a male subject and an unconfined large white Pitbull mix. The dog began barking and aggressively approached the Officers. Officers used pepper spray to protect themselves from the dog. Officers loudly announced themselves and requested the male subject gain control of the dog. The subject, later identified as CHARLES HENRY ELSNER, called out and approached the officers. Officers identified themselves as “police” and again requested that the male occupant gain control of the dog. ELSNER asked the Officers “do you guys want to dop those fucking flashlights?” and “do you have fucking guns pointed at us right now?” During this interaction, ELSNER approached the Officers with his hand in his jacket as if he were reaching for a firearm. Officers repeatedly ordered ELSNER to remove his hand from his pockets and gain control of the dog. ELSNER Eventually gained control of the dog and proceeded back to the campsite.

PROBABLE CAUSE

6. Officers followed ELSNER back to the campsite and asked him for identification. ELSNER identified himself as “Steve Bowman” and provided a fictitious date of birth. Concerned for their safety, Officers detained ELSNER and conducted a weapon check. ELSNER informed Officers that he had a firearm in the front chest pocket of his jacket. Officers then handcuffed ELSNER and found a firearm and spare magazine in ELSNER’s jacket pocket. Officers also found ELSNER’s identification card demonstrating that he was not “Steve Bowman.”

7. The firearm found in ELSNER's pocket was an un-serialized 1911 style .45 ACP caliber pistol. ELSNER explained that the firearm was not serialized because it was privately manufactured. The firearm and spare magazine were loaded with a total of sixteen (16) rounds of .45 ACP caliber ammunition.

8. Officers arrested ELSNER for various federal violations relating to his unrestrained dog, false identification and conduct leading up to his arrest. Officers retained the firearm and ammunition for additional investigation relating to ELSNER's prohibited possession of the firearm and ammunition.

PRIOR FELONY CONVICTION

9. Agents conducted a record check and learned ELSNER had felony convictions out of the State of Arizona, Maricopa County Superior Court, for Possession of Dangerous Drugs (CR2015-001302-001) and Solicitation to Commit Sale or Transportation of Dangerous Drugs (CR2014-113827-001). As a result of those convictions, ELSNER was sentenced to three years in the Arizona Department of Corrections (AZDOC). He was released from AZDOC in January of 2017.

FIREARM NEXUS

10. On October 25, 2023 15, 2023, Nexus Expert ATF Special Agent Benjamin Excell examined the eight (8) rounds of Blazer .45 ACP caliber ammunition and the eight (8) rounds of X-treme .45 ACP caliber ammunition and confirmed each traveled in interstate and foreign commerce to be found in Arizona.

CONCLUSION

11. For these reasons, your Affiant submits that there is probable cause to believe CHARLES HENRY ELSNER committed the crime of Felon in Possession of Firearms and Ammunition, in violation of Title 18, United States Code (U.S.C.) §§ 922(g)(1) and 924(a)(8).

12. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DOUGLAS PEDERSON Digitally signed by DOUGLAS PEDERSON
Date: 2023.11.07 21:55:23 -07'00'

DOUGLAS PEDERSON
Special Agent
United States Forest Service

Sworn to and subscribed electronically this 8th day of November, 2023.

CAMILLE D. BIBLES
United States Magistrate Judge